

## Office of the Secretary of Defense

## § 368.2

limits the exercise of such authority to persons at the Secretarial level, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

The ASD(HA) may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

### PART 368—FUNCTIONS OF THE DEPARTMENT OF DEFENSE AND ITS MAJOR COMPONENTS

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AUTHORITY: 50 U.S.C. 401; 10 U.S.C. 125.

SOURCE: 52 FR 35417, Sept. 21, 1987, unless otherwise noted.

#### § 368.1 Purpose.

This part promulgates the statement of the functions of the Department of Defense and its major components.

#### § 368.2 Organizational relationships in the Department of Defense.

(a) All functions in the Department of Defense and its component agencies are performed under the authority, direction, and control of the Secretary of Defense.

(b) The Department of Defense is composed of the Office of the Secretary of Defense (OSD), the Military Departments and the Military Services within those Departments, the Joint Chiefs of Staff (JCS) and the Joint Staff, the Unified and Specified Combatant Commands, the Defense Agencies and DOD Field Activities, and such other offices, agencies, activities and commands as may be established or designated by law, or by the President or the Secretary of Defense. The functions of the heads of these offices shall be as assigned by the Secretary of Defense in accordance with existing law.

(1) In providing immediate staff assistance and advice to the Secretary of

Defense, the Office of the Secretary of Defense and the Joint Chiefs of Staff, though separately identified and organized, function in full coordination and cooperation in accordance with 32 CFR part 371.

(i) The Office of the Secretary of Defense includes the Deputy Secretary of Defense, Under Secretaries of Defense, Director of Defense Research and Engineering, Assistant Secretaries of Defense, Comptroller of the Department of Defense, Director of Operational Test and Evaluation, General Counsel of the Department of Defense, Inspector General of the Department of Defense, and such other offices and officials as may be established by law or by the Secretary of Defense.

(ii) The Chairman and the Joint Chiefs of Staff are directly responsible to the Secretary of Defense for the functions assigned to them. To the extent it does not impair his independence in the performance of the duties as a member of the Joint Chiefs of Staff, each member of the Joint Chiefs of Staff, except the Chairman, shall inform the Secretary of his Military Department regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting his Military Department.

(2) Each Military Department (the Department of the Navy to include the United States Marine Corps, and the United States Coast Guard when transferred in accordance with sections 2, 3, and 145 of 14 U.S.C.) shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense. Orders to the Military Departments shall be issued through the Secretaries of these Departments, or their designees, by the Secretary of Defense or under authority specifically delegated in writing by the Secretary of Defense or as provided by law.

(i) The Secretary of each Military Department, and the civilian employees and members of the Armed Forces under the jurisdiction of the Military Department Secretary, shall cooperate fully with the Office of the Secretary of Defense to achieve efficient administration of the Department of Defense

and to carry out effectively the authority, direction, and control of the Secretary of Defense.

(ii) The Secretary of Defense shall keep the Secretaries of the Military Departments informed with respect to military operations and activities of the Department of Defense that directly affect their respective responsibilities.

(3) The Commanders of the Unified and Specified Combatant Commands are responsible to the President and the Secretary of Defense for accomplishing the military missions assigned to them and shall exercise command authority over forces assigned to them as directed by the Secretary of Defense pursuant to section 10 U.S.C. 164. The operational chain of command runs from the President to the Secretary of Defense to the Commanders of the Unified and Specified Combatant Commands. The Chairman, JCS functions within the chain of command by transmitting to the Commanders of the Unified and Specified Combatant Commands the orders of the President or the Secretary of Defense.

(i) Orders to such commanders shall be issued by the President or the Secretary of Defense or by the Chairman, JCS with the authority and direction of the President or the Secretary of Defense.

(ii) Communications from the President or the Secretary of Defense to the Commanders of the Unified and Specified Combatant Commands, shall be transmitted through the Chairman, JCS. Communications from the Commanders of the Unified and Specified Combatant Commands to the President and/or the Secretary of Defense shall be transmitted through the Chairman, JCS.

(iii) Communications in matters of joint interest, addressed to the Commanders of the Unified and Specified Combatant Commands by other authority, shall, unless urgent circumstances do not permit, be coordinated with the Chairman, JCS. Information copies of all communications in matters of joint interest between Washington level offices, agencies, activities and commands and the Unified and Specified Combatant Commands

shall be provided to the Chairman, JCS.

(iv) Subject to the authority, direction, and control of the Secretary of Defense, the Chairman acts as the spokesman for Commanders of the Unified and Specified Commands, especially on the operational requirements of their commands and shall be responsible for overseeing the activities of the combatant commands. The President and the Secretary of Defense may assign other duties to the Chairman to assist the President and the Secretary of Defense in performing their command functions.

#### **§ 368.3 Functions of the Department of Defense.**

As prescribed by higher authority, the Department of Defense shall maintain and employ armed forces to:

(a) Support and defend the Constitution of the United States against all enemies, foreign and domestic.

(b) Ensure, by timely and effective military action, the security of the United States, its possessions, and areas vital to its interest.

(c) Uphold and advance the national policies and interests of the United States.

#### **§ 368.4 Functions of the Joint Chiefs of Staff.**

The Joint Chiefs of Staff, consisting of the Chairman; the Chief of Staff, U.S. Army; the Chief of Naval Operations; the Chief of Staff, U.S. Air Force; and the Commandant of the Marine Corps, and supported by the Joint Staff, constitute the immediate military staff of the Secretary of Defense.

(a) The Chairman of the Joint Chiefs of Staff is the principal military advisor to the President, the National Security Council, and the Secretary of Defense. Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman shall be responsible for the following principal functions:

(1) Advise and assist the Secretary of Defense of the preparation of annual policy guidance for the heads of Department of Defense components for the preparation and review of program recommendations and budget proposals.